

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COREPHOTONICS, LTD.,) C-17-06457 LHK
)
PLAINTIFF,) SAN JOSE, CALIFORNIA
)
VS.) MARCH 28, 2018
)
APPLE, INC.,) PAGES 1-26
)
DEFENDANT.)
_____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: RUSS, AUGUST & KABAT
BY: MARC A. FENSTER
12424 WILSHIRE BOULEVARD, 12TH FLOOR
LOS ANGELES, CALIFORNIA 90025

FOR THE DEFENDANT: COOLEY LLP
BY: HEIDI L. KEEFE
LOWELL D. MEAD
3175 HANOVER STREET
PALO ALTO, CALIFORNIA 94304

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

1 SAN JOSE, CALIFORNIA

MARCH 28, 2018

2 P R O C E E D I N G S

3 (COURT CONVENED AT 2:47 P.M.)

4 THE CLERK: YOUR HONOR, CALLING CASE 17-CV-06457,
5 COREPHOTONICS LIMITED VERSUS APPLE, INC.

6 COUNSEL, PLEASE COME FORWARD AND STATE YOUR APPEARANCES.

7 MR. FENSTER: GOOD AFTERNOON, YOUR HONOR.

8 MARC FENSTER WITH RUSS, AUGUST & KABAT FOR PLAINTIFF
9 COREPHOTONICS.

10 THE COURT: OKAY. GOOD AFTERNOON.

11 MS. KEEFE: GOOD AFTERNOON, YOUR HONOR.

12 HEIDI KEEFE FROM COOLEY WITH LOWELL MEAD ON BEHALF OF
13 APPLE.

14 THE COURT: ALL RIGHT. GOOD AFTERNOON. WELCOME.

15 MS. KEEFE: THANK YOU.

16 THE COURT: OKAY. SO HAVE YOU FILED YOUR MOTION TO
17 DISMISS, OR NOT YET?

18 MS. KEEFE: I -- THE HONEST ANSWER IS I THINK IT'S
19 BEING FILED RIGHT NOW.

20 THE COURT: RIGHT NOW.

21 MS. KEEFE: IT MAY HAVE HAPPENED WITHIN THE LAST HOUR
22 OR SO, BUT --

23 THE COURT: OKAY. AND IS IT A 101 OR IS IT ON
24 WILLFULNESS? WHAT ARE THE GROUNDS?

25 MS. KEEFE: ON WILLFULNESS, YOUR HONOR.

1 THE COURT: OH, IT IS?

2 MS. KEEFE: YES, YOUR HONOR.

3 THE COURT: SO IT'S LIKE A TWOMBLY/IQBAL?

4 MS. KEEFE: YES, YOUR HONOR, ESPECIALLY WITH --
5 THERE'S A NUMBER OF PATENTS WHERE EVEN THE ALLEGATIONS SIMPLY
6 SAY DISCOVERY MAY SHOW, AND THEN THEY CHARGE WILLFULNESS.

7 THE COURT: OH, OKAY. ALL RIGHT. WELL, I'M RELIEVED
8 THAT IT'S NOT A 101 MOTION.

9 MS. KEEFE: IT'S NOT, YOUR HONOR.

10 THE COURT: OKAY, GOOD.

11 MS. KEEFE: WHICH IS UNUSUAL FOR ME, SO --

12 THE COURT: WELL, WE HAVE BEEN SNOWED WITH 101
13 MOTIONS. I DON'T KNOW WHAT'S GOING ON, BUT EVERY SINGLE CASE
14 IS HAVING A 101 MOTION.

15 LET ME ASK, AND LET ME -- MAYBE YOU HAVE SOME, SOME
16 THOUGHTS.

17 ARE YOU GOING TO AMEND? BECAUSE I THINK YOU CAN AMEND
18 ONCE, RIGHT, AND THEN MOOT THE MOTION? OR YOU WANT TO FIGHT
19 THE MOTION? OR WHAT ARE YOUR THOUGHTS ON THAT?

20 MR. FENSTER: YOUR HONOR, OUR INCLINATION IS TO
21 AMEND. WE HAVE TO AMEND FOR OTHER REASONS AS WELL.

22 THE COURT: UM-HUM.

23 MR. FENSTER: WE INTEND TO ADD THE 8 PLUS -- THIS IS
24 A CELL PHONE CASE -- THE DUAL CAMERA, WHAT'S ALLEGED -- WHAT'S
25 ASSERTED IN THE NOVEMBER FILED COMPLAINT WAS AGAINST THE

1 7 PLUS.

2 THE COURT: OKAY.

3 MR. FENSTER: THE 8 PLUS HAS THE SAME CAMERA MODULE.

4 THE IPHONE 10 HAS ALSO SINCE COME OUT AND IS ALSO
5 INFRINGING SOME OF THE SAME PATENTS.

6 SO WE INTEND TO AMEND TO ADD THOSE TWO PRODUCTS, AND THERE
7 ARE ONE OR TWO PATENTS THAT WE'RE CONSIDERING AS WELL THAT HAVE
8 ISSUED SINCE OR ARE ABOUT TO ISSUE.

9 THE COURT: OKAY. OH, SO YOU MIGHT BE ADDING MORE
10 PATENTS AS WELL?

11 MR. FENSTER: YES, YOUR HONOR.

12 THE COURT: OH, OKAY.

13 MS. KEEFE: AND, YOUR HONOR, THE ADDITION OF PATENTS
14 WAS NEWS TO US UNTIL ABOUT FIVE MINUTES BEFORE COURT STARTED,
15 SO THAT COULD AFFECT ALL OF THE AGREED DATES DEPENDING ON THE
16 SIZE OF THOSE PATENTS AND HOW RELATED THEY ARE. WE JUST DON'T
17 KNOW. WE HAVEN'T SEEN THEM YET AT ALL.

18 THE COURT: I SEE. I SEE. AND MAYBE YOU CAN'T SAY
19 BECAUSE IT'S CONFIDENTIAL, BUT I ASSUME THEY'RE ALL IN THE SAME
20 FAMILY.

21 MR. FENSTER: YES, YOUR HONOR.

22 THE COURT: DO THESE PATENTS ALL SHARE THE SAME SPEC?
23 I'M SORRY, I HAVEN'T LOOKED AT THE PATENT YET.

24 MR. FENSTER: NO, YOUR HONOR. THERE ARE THREE
25 DIFFERENT FAMILIES.

1 THE COURT: OKAY.

2 MR. FENSTER: THE '032 AND '712 PATENTS SHARE THE
3 SAME FAMILY.

4 THE COURT: WAIT. I THINK IT'S '302, '302 AND '712.

5 MS. KEEFE: IT'S '032, YOUR HONOR.

6 THE COURT: IT'S '032. OH, I'M SORRY, I HAVE A --

7 MS. KEEFE: 9,402,032.

8 THE COURT: ALL RIGHT. SO '032 AND '712 ARE THE SAME
9 FAMILY, THEY SHARE THE SAME SPEC, OR NOT?

10 MR. FENSTER: THEY DO, YOUR HONOR.

11 THE COURT: OKAY. ALL RIGHT.

12 MR. FENSTER: AND THEN THE '291 AND '152 ARE EACH
13 INDEPENDENT FAMILIES.

14 THE COURT: I SEE.

15 MR. FENSTER: IT'S ALL RELATED SUBJECT MATTER, BUT
16 NOT TECHNICALLY RELATED PATENTS.

17 THE COURT: I SEE. OKAY.

18 AND IF YOU CAN'T SAY, DON'T. BUT IF YOU CAN, WILL THE NEW
19 PATENTS BE PARTS OF ANY OF THESE FAMILIES? OR IT'S GOING TO BE
20 TOTALLY INDEPENDENT?

21 MR. FENSTER: THEY BOTH -- THEY BOTH RELATE TO THE
22 FAMILIES ALREADY AT ISSUE IN THE CASE.

23 THE COURT: I SEE. SO THEY'RE, LIKE, CONTINUATIONS
24 OR --

25 MR. FENSTER: YES, YOUR HONOR.

1 THE COURT: OKAY.

2 MS. KEEFE: AND AS YOUR HONOR KNOWS, THE CLAIMS COULD
3 BE COMPLETELY DIFFERENT, SO UNTIL WE SEE IT, WE CAN'T
4 UNDERSTAND HOW IT WILL AFFECT THE NEED FOR TIME IN THE CASE,
5 OR EVEN THE VOLUME OF CLAIMS.

6 THE COURT: RIGHT. I HEAR YOU.

7 HMM. AND HOW MANY CLAIMS HAVE YOU ASSERTED OF EACH OF
8 THESE PATENTS?

9 MR. FENSTER: YOUR HONOR, WE HAVEN'T ASSERTED -- WE
10 HAVEN'T IDENTIFIED ASSERTED CLAIMS YET. THE TIME TO DO SO, I
11 THINK, IS APRIL 11TH UNDER THE PROPOSED SCHEDULE.

12 THE COURT: UM-HUM.

13 MR. FENSTER: I BELIEVE THAT THERE'S -- AMONG THE
14 FOUR PATENTS, WE ARE PRESENTLY INTENDING TO IDENTIFY 16
15 ASSERTED CLAIMS --

16 THE COURT: OKAY.

17 MR. FENSTER: -- AS CANDIDATES, AT LEAST THOSE ARE
18 CANDIDATES FOR OUR ASSERTION. AND I BELIEVE IT'S THREE
19 INDEPENDENTS AMONG THOSE.

20 THE COURT: SO THREE INDEPENDENT CLAIMS, 13 DEPENDENT
21 CLAIMS?

22 MR. FENSTER: IT MIGHT BE FOUR. BUT --

23 THE COURT: OKAY.

24 MR. FENSTER: YES.

25 THE COURT: ALL RIGHT. SO 12 TO 13 DEPENDENT CLAIMS?

1 MR. FENSTER: THAT'S OUR PRESENT INTENTION.

2 THE COURT: OKAY.

3 MS. KEEFE: WOULDN'T YOU HAVE TO HAVE AT LEAST FOUR
4 INDEPENDENT CLAIMS SINCE THERE'S FOUR PATENTS? I MEAN, I'D
5 LOVE IT IF YOU CHOOSE NOT TO DO ONE FROM ONE OF THE PATENTS,
6 BUT THAT DOESN'T MAKE SENSE.

7 MR. FENSTER: YOU'RE ABSOLUTELY RIGHT. THERE ARE
8 FOUR. IT'S EITHER FOUR OR FIVE.

9 I APOLOGIZE, MS. KEEFE.

10 MS. KEEFE: THANK YOU, MR. FENSTER.

11 THE COURT: OKAY. SO THEN IT'S 11 OR 12 DEPENDENT
12 CLAIMS.

13 HMM. WELL --

14 MS. KEEFE: YOUR HONOR, THE PARTIES WORKED INCREDIBLY
15 WELL TOGETHER TO COME UP -- I MEAN, AS YOU NOTICE, THERE'S
16 NOTHING DISPUTED IN THE CMC ORDER.

17 THE COURT: UM-HUM.

18 MS. KEEFE: AND MR. FENSTER AND I HAVE BEEN OPPOSITE
19 EACH OTHER QUITE A FEW TIMES AND IT'S ALWAYS WORKED WELL.

20 MAY I SUGGEST THAT WE -- IF HE'S GOING TO MOVE TO AMEND,
21 WE JUST SET A DATE FOR THAT AND THEN WE CAN ACTUALLY REVISIT
22 THE SCHEDULE AND HAVE A FURTHER CMC? I CAN EASILY ENVISION US
23 COMING TO THE SAME TYPES OF AGREEMENTS THAT WE DID THIS TIME,
24 BUT AT LEAST THEN WE'LL KNOW WHAT WE'RE AIMING AT.

25 THE COURT: RIGHT. AND I WAS LARGELY GOING TO ADOPT

1 YOUR SCHEDULE ANYWAY TODAY.

2 BUT I'M ALSO THINKING OF IF THERE ARE WAYS TO DO CASE
3 NARROWING SO WE'RE NOT LITIGATING AGAINST, WHAT, SIX PATENTS,
4 AND MAYBE IT'S BETTER TO HAVE THAT CONVERSATION WHEN WE KNOW
5 WHAT THE FULL SCOPE OF THE CASE IS.

6 MS. KEEFE: THAT'S WHAT I'M THINKING, YOUR HONOR.

7 THE COURT: SO --

8 MR. FENSTER: YOUR HONOR, IN -- ONE THING THAT WE'RE
9 CONSIDERING IS FILING A SECOND CASE AGAINST THE IPHONE 10, FOR
10 EXAMPLE, TO SEPARATE THE ISSUES AND SIMPLIFY AND NARROW THE
11 ISSUES IN EACH CASE THAT WAY.

12 MS. KEEFE: AND, YOUR HONOR, I -- OBVIOUSLY I'D HAVE
13 TO SEE IT, BUT MY FIRST INCLINATION IS THAT'S NOT HELPFUL AT
14 ALL. IF IT'S THE SAME PATENTS, IT'S DIFFERENT PRODUCTS, THEY
15 SHOULD ALL BE TOGETHER SO THAT WE GET THE BENEFIT OF ONE CASE,
16 KNOWING WHAT THE ISSUES ARE AND HOW THEY APPLY.

17 THE COURT: RIGHT. BUT I CAN CERTAINLY RELATE AND
18 CONSOLIDATE IT, SO HE JUST HAS TO PAY THE FILING FEE. SO IT
19 WILL HOPEFULLY BE NOT REALLY VISIBLE TO YOU --

20 MS. KEEFE: HOPEFULLY, YOUR HONOR.

21 THE COURT: -- IN EFFECT.

22 I WOULD PREFER THAT, BECAUSE THEN I GET CREDIT FOR ANOTHER
23 PATENT CASE RATHER THAN SLOGGING THROUGH ALL THESE INDEPENDENT
24 PATENT FAMILIES AND THE 8 PLUS AND THE 10, AND YOU KNOW, THE 7.
25 SO I'D BE FINE WITH THAT.

1 IF YOU DID THAT, I WOULD JUST RELATE AND CONSOLIDATE,
2 ALTHOUGH IF IT'S LATER IN TIME, MAYBE THAT SHOULD BE ON A
3 DIFFERENT SCHEDULE. I DON'T KNOW.

4 WHAT DO YOU THINK? OR DO YOU THINK IT'S ALL GOING TO BE
5 THE SAME?

6 MS. KEEFE: I THINK IT'S ALL GOING TO BE THE SAME. I
7 MEAN, OBVIOUSLY, YOUR HONOR, I HAVEN'T READ THE CLAIMS YET, BUT
8 IF THEY'RE ATTACKING -- IF HE'S SAYING IT'S THE SAME TYPE OF
9 INFRINGEMENT, JUST IN A LATER PHONE, IT DOESN'T MAKE SENSE TO
10 HAVE THEM ON SEPARATE DOCKETS BECAUSE THEN YOUR HONOR CAN
11 IMAGINE DOING A CLAIM CONSTRUCTION AND THEN THERE'S, LIKE, "OH,
12 BUT NOW I'M GOING TO CHANGE MY MIND ABOUT HOW THAT APPLIES IN
13 THE SECOND CASE BECAUSE I DIDN'T WIN IN THE FIRST," THAT
14 WOULDN'T BE FAIR TO THE DEFENDANT.

15 MR. FENSTER: YOUR HONOR, THE IPHONE 10 -- SO THE
16 7 PLUS CAMERA MODULE THAT'S IN THE CURRENT CASE IS IDENTICAL TO
17 THE CAMERA MODULE IN THE 8 PLUS. THOSE MAKE SENSE TO GO
18 TOGETHER.

19 THE IPHONE 10 IS A DIFFERENT MODULE. DIFFERENT CLAIMS
20 FROM THE SAME PATENTS, SOME OF THE SAME PATENTS WILL BE
21 ASSERTED AGAINST THE 10.

22 I THINK THAT WHAT WOULD PROBABLY MAKE SENSE, ULTIMATELY
23 WHEN WE RELATE AND CONSOLIDATE, IS TO HAVE A CONSOLIDATED CLAIM
24 CONSTRUCTION, AND THEN WE CAN DECIDE CLOSER TO PRETRIAL HOW TO
25 STAGE THE TRIALS, OR WHETHER TO STAGE THEM AT ALL. BUT THE

1 CLAIM CONSTRUCTION WOULD PROBABLY MAKE SENSE SINCE THESE ARE
2 RELATED FAMILIES.

3 THE COURT: UM-HUM. SO COULD WE DO THIS: I THINK
4 THAT -- I THINK THAT -- I THINK MR. FENSTER CAN AMEND THE
5 COMPLAINT, WHICH WOULD MOOT THE MOTION TO DISMISS WHICH MAY BE
6 BEING FILED RIGHT NOW.

7 MS. KEEFE: UNFORTUNATELY, I TOLD THEM TO GO AHEAD
8 AND FILE IT WHEN I LEFT FOR COURT THIS MORNING, SO I DON'T KNOW
9 IF IT'S DONE OR IF IT'S NOT.

10 THE CLERK: IT HAS NOT COME THROUGH YET, YOUR HONOR.

11 THE COURT: YOU MEAN THE MOTION TO DISMISS?

12 MS. KEEFE: YES. IT'S DUE TODAY.

13 THE COURT: WELL, THE ONLY REASON I LIKE THAT IS THAT
14 I WOULD DENY IT AS MOOT, BUT I WOULD TELL MR. FENSTER THAT IT'S
15 PUT HIS CLIENT ON NOTICE AS TO WHAT THE INADEQUACIES ARE.

16 MS. KEEFE: THAT'S FINE, YOUR HONOR.

17 THE COURT: AND SO IF HE DOES NOT CURE, THEN I WOULD
18 LIKE TO JUST DISMISS WITH PREJUDICE AND ONLY DO IT ONCE RATHER
19 THAN HAVING TO GO THROUGH TWO ROUNDS.

20 MS. KEEFE: ABSOLUTELY UNDERSTOOD, YOUR HONOR, AND
21 THAT'S FINE WITH US.

22 THE COURT: DO YOU SEE WHAT I'M SAYING, MR. FENSTER?
23 LIKE YOU GET A COPY OF THEIR MOTION, YOU GET TO AMEND AS OF
24 RIGHT, IT MOOTS THEIR MOTION; BUT THEN I'D LIKE THAT TO BE
25 YOUR, YOU KNOW, YOUR ONE BEST SHOT TO GET ANY WILLFULNESS

1 ALLEGATIONS PLED SUFFICIENTLY TO SURVIVE THE NEXT MTD. IS THAT
2 OKAY?

3 MR. FENSTER: I THINK THAT'S PERFECTLY FINE, YOUR
4 HONOR.

5 THE COURT: OKAY. THANK YOU.

6 MR. FENSTER: AND IN TERMS OF TIMING, YOUR COMMENTS
7 REGARDING FILING ADDITIONAL CASES TO BE RELATED AND
8 CONSOLIDATED WILL MAKE THAT EASIER -- I MAY NOT HAVE THE SECOND
9 PATENT -- THE TIMING MAY NOT WORK TO AMEND WITHIN THE TIME TO
10 RESPOND TO THE MOTION TO DISMISS WITHIN, I THINK, 15 DAYS.

11 BUT WE CAN AMEND THE COMPLAINT TO ADDRESS THE WILLFULNESS
12 AND THEN FILE ADDITIONAL CASES TO BE RELATED AND CONSOLIDATED.

13 IS THAT --

14 THE COURT: YES. BUT THEN I WOULD NEED YOU TO FILE
15 THAT SEPARATE CASE PRETTY QUICKLY BECAUSE, YOU KNOW, DEPENDING
16 ON HOW LONG THE DELAY IS, IT WILL THEN MESS UP THIS CASE
17 SCHEDULE.

18 MR. FENSTER: UNDERSTOOD, AND WE'LL FILE AS SOON
19 AS -- AS SOON AS WE CAN. THERE IS A, AN ALLOWED SET OF CLAIMS,
20 THE ISSUE FEE HAS BEEN PAID, WE DON'T YET HAVE AN ISSUE DATE,
21 BUT I EXPECT IT WITHIN A MATTER OF WEEKS.

22 THE COURT: I SEE. OKAY. ALL RIGHT.

23 WELL, WHY DON'T WE HAVE AN AGREEMENT THEN THAT APPLE
24 SHOULD GO AHEAD AND FILE YOUR MOTION TO DISMISS TODAY.

25 MS. KEEFE: THANK YOU, YOUR HONOR.

1 THE COURT: YOU THEN AMEND YOUR COMPLAINT WITHIN THE
2 TIMEFRAME FOR RESPONDING; THAT WILL THEN MOOT APPLE'S MOTION TO
3 DISMISS, BUT I WILL PUT IN MY ORDER -- AND I'LL EVEN PUT IN THE
4 CASE MANAGEMENT ORDER TODAY THAT IF THE PLAINTIFF DOES NOT CURE
5 THE DEFICIENCIES AND ALLEGATIONS IDENTIFIED IN THE MOTION TO
6 DISMISS THAT'S BEEN DENIED AS MOOT IN YOUR AMENDED COMPLAINT,
7 THEN ON THE SECOND MTD I'M GOING TO DISMISS WITH PREJUDICE.
8 OKAY?

9 MR. FENSTER: WITH THE UNDERSTANDING THAT I'M
10 AGREEING TO THAT WITHOUT HAVING SEEN THE MOTION. WHAT I
11 UNDERSTAND THE MOTION TO BE IS JUST REGARDING NOTICE AS TO THE
12 PATENTS FOR WILLFULNESS AND INDUCEMENT PURPOSES.

13 IF THAT'S THE CASE, I AGREE, YOUR HONOR.

14 MS. KEEFE: YES.

15 THE COURT: AND IT IS WILLFULNESS AND INDUCEMENT;
16 CORRECT?

17 MS. KEEFE: YES, YOUR HONOR.

18 THE COURT: OKAY. ALL RIGHT. GOOD. THANK YOU.
19 THAT WILL HELP.

20 MS. KEEFE: THANK YOU, YOUR HONOR.

21 THE COURT: OKAY. NOW, SO DO YOU WANT TO SET A
22 DEADLINE ON WHEN HE HAS TO FILE HIS NEXT CASE?

23 MS. KEEFE: THAT WOULD BE VERY HELPFUL TO US, YOUR
24 HONOR, BECAUSE I -- I DON'T SEE HAVING DUELING TRACKS OF
25 INFRINGEMENT CONTENTIONS, INVALIDITY CONTENTIONS, AND THEN

1 CLAIM CONSTRUCTION, IT JUST DOESN'T SEEM --

2 THE COURT: YEAH.

3 MS. KEEFE: -- LOGICAL.

4 THE COURT: WHAT WE'LL PROBABLY DO, WHEN WE RELATE
5 AND CONSOLIDATE, IS IF WE NEED TO MAKE AN ADJUSTMENT TO THE
6 SCHEDULE AT THAT TIME, WE CAN.

7 SO YOU THINK YOU WOULD HAVE ISSUED NEW PATENTS WITHIN
8 THREE WEEKS?

9 MR. FENSTER: THAT'S MY EXPECTATION, BUT WE HAVE NOT
10 YET RECEIVED AN ISSUE DATE NOTICE FROM THE PTO.

11 THE COURT: WHAT IF WE SET YOUR DEADLINE TO FILE YOUR
12 NEW COMPLAINT OF APRIL 30TH? THAT WOULD GIVE YOU A MONTH.

13 MR. FENSTER: I BELIEVE THAT THAT SHOULD BE
14 SUFFICIENT, AND IF IT'S NOT, THEN WE'LL FILE WHAT WE HAVE AND
15 NOTIFY THE COURT.

16 THE COURT: WELL, NO, NO, NO. YOUR AMENDED COMPLAINT
17 IN THIS CASE, YOU SHOULD JUST DO IT ACCORDING TO THE RESPONSE
18 DEADLINE ON THE MTD.

19 MR. FENSTER: UNDERSTOOD.

20 THE COURT: I'M TALKING ABOUT YOUR SEPARATE COMPLAINT
21 IN WHICH YOU'RE GOING TO ALLEGE THE NEW PATENTS; IS THAT
22 CORRECT?

23 MR. FENSTER: YES.

24 THE COURT: AND YOU'RE GOING TO ALLEGE THE 8 PLUS AND
25 THE 10; IS THAT CORRECT?

1 MR. FENSTER: YES, YOUR HONOR.

2 THE COURT: THAT THAT COMPLAINT BE FILED BY

3 APRIL 30TH.

4 MR. FENSTER: I UNDERSTAND, YOUR HONOR.

5 AND MY ONLY CAVEAT IS I EXPECT AND BELIEVE THAT THE NEW

6 PATENT WILL HAVE ISSUED BY THEN, BUT I'M NOT --

7 THE COURT: YOU'RE NOT SURE?

8 MR. FENSTER: -- POSITIVE.

9 THE COURT: YEAH, THAT'S FINE. THAT'S FINE.

10 I GUESS -- WELL, YOUR CURRENT MTD IS ONLY AS TO THE 7

11 ANYWAY BECAUSE THEY HAVEN'T EVEN ASSERTED THE 8 PLUS AND THE 10

12 OR THESE NEW PATENTS.

13 MS. KEEFE: THAT'S RIGHT, YOUR HONOR.

14 THE COURT: OKAY. I THINK WE'RE FINE.

15 ALL RIGHT. LET'S MOVE ON.

16 SO YOU HAVE AGREED TO PRIVATE MEDIATION. I WOULD PREFER

17 THAT YOU NOT WAIT UNTIL APRIL 4TH, SINCE IT'S ALREADY

18 MARCH 28TH, TO FILE YOUR STIPULATION.

19 WHAT'S THE DEADLINE YOU WANT? AND LET ME JUST REFER YOU

20 NOW.

21 MR. FENSTER: I -- WE CAN GO AHEAD AND FILE THAT. I

22 DON'T THINK THERE'S ANY REASON NOT TO.

23 MS. KEEFE: THAT'S FINE.

24 THE COURT: YOU DON'T EVEN HAVE TO FILE IT. IF YOU

25 TELL ME WHAT IT IS, I'LL MAKE IT PART OF THE CASE MANAGEMENT

1 ORDER TODAY AND YOU CAN SAVE YOURSELVES A STIPULATION.

2 MS. KEEFE: YOU MEAN IN TERMS OF --

3 MR. FENSTER: PRIVATE MEDIATION.

4 MS. KEEFE: YES, WE WOULD LIKE PRIVATE MEDIATION.

5 THE COURT: OKAY. I WILL REFER YOU TODAY TO PRIVATE
6 MEDIATION. I'M JUST SAYING YOU DON'T HAVE TO FILE A
7 STIPULATION SINCE YOU'RE DOING SO HERE.

8 MS. KEEFE: WE APPRECIATE THAT, YOUR HONOR.

9 THE COURT: NOW, WHAT IS THE DEADLINE THAT YOU WANT
10 SET?

11 MS. KEEFE: I THINK WE ACTUALLY LISTED --

12 MR. FENSTER: JULY 3, YOUR HONOR.

13 MS. KEEFE: YEAH, WE LISTED JULY 3RD SUBJECT TO THE
14 AVAILABILITY OF THE MEDIATOR THAT WE CHOOSE.

15 THE COURT: ALL RIGHT. GREAT. SO GO AHEAD -- I'M
16 GOING TO REFER YOU NOW TO PRIVATE MEDIATION WITH A DEADLINE OF
17 JULY 3RD OF 2018, SO PLEASE TRY TO FIND SOMEONE AND GET ON
18 THEIR CALENDAR AS SOON AS POSSIBLE.

19 YOU WANT TO EXCHANGE INITIAL DISCLOSURES ON APRIL 11TH,
20 THAT'S FINE.

21 THE AGREEMENT THAT YOU'VE REACHED ABOUT ONE HOUR -- I'M
22 SORRY, ONE DAY, SEVEN HOUR DEPOSITIONS OF AN INDIVIDUAL DEPOSED
23 IN BOTH INDIVIDUAL AND 30(B)(6) CAPACITIES COUNTING AS ONE
24 DEPOSITION TOWARDS THE LIMIT ON DEPOSITIONS, THAT'S FINE.

25 AND EXPERT WITNESSES NOT COUNTING TOWARDS THE TEN, THAT'S

1 FINE.

2 OTHERWISE THE FEDERAL RULES OF CIVIL PROCEDURE DISCOVERY
3 LIMITS WILL GOVERN THIS CASE.

4 LET'S SET A DEADLINE FOR PROTECTIVE ORDERS AND ESI ORDERS
5 THAT MAKES SENSE.

6 AND YOUR DISCOVERY JUDGE IN THIS CASE IS NOT ASSIGNED.
7 CAN I JUST SAY JUDGE VAN KEULEN? OR --

8 MS. KEEFE: THAT'S FINE, YOUR HONOR.

9 THE COURT: MS. MASON, CAN I DO THAT?

10 THE CLERK: YES, YOUR HONOR. IT WILL BE ADDED TO THE
11 DOCKET.

12 MS. KEEFE: YOUR HONOR, WE HAVE A DRAFT READY TO
13 EXCHANGE, SO --

14 MR. FENSTER: AS DO WE -- EXCUSE ME. AS DO WE.

15 THE COURT: OKAY.

16 MR. FENSTER: IT MAY HAVE ALREADY BEEN SENT TO YOU.
17 I DON'T KNOW.

18 THE COURT: DO YOU WANT TO JUST SET, LIKE, A 45 OR 30
19 DAY DEADLINE?

20 MS. KEEFE: THAT'S FINE, YOUR HONOR.

21 MR. FENSTER: YES.

22 THE COURT: I'LL GIVE YOU -- WHICH ONE DO YOU WANT?

23 MS. KEEFE: 45 DAYS, YOUR HONOR.

24 THE COURT: OKAY. SO YOUR DISCOVERY ORDER AND YOUR
25 ESI ORDER, PLEASE FILE THOSE WITH JUDGE VAN KEULEN BY, I'LL SAY

1 MAY 11TH.

2 MS. KEEFE: THAT'S FINE, YOUR HONOR. THANK YOU.

3 THE COURT: OKAY. AND IF THEY'RE JUST FOR SIGNATURE,
4 THAT'S GREAT. IF NOT, ANY DISPUTES WILL BE DECIDED BY
5 JUDGE VAN KEULEN.

6 MS. KEEFE: UNDERSTOOD, YOUR HONOR. THANK YOU.

7 THE COURT: OKAY. LET'S TALK ABOUT THE CASE
8 SCHEDULE.

9 I WAS GOING TO JUST GIVE YOU YOUR DATES. APRIL -- WELL,
10 YOU DON'T NEED TO -- WE CAN TAKE OFF YOUR ADR STIP.

11 INITIAL DISCLOSURES APRIL 11 IS FINE; DEADLINE TO SERVE
12 INFRINGEMENT CONTENTIONS AND YOUR ACCOMPANYING PRODUCTION
13 APRIL 11 IS FINE; SERVING INVALIDITY CONTENTIONS WITH
14 ACCOMPANYING PRODUCTION MAY 29, THAT'S FINE; EXCHANGING NO
15 MORE -- EXCHANGING TERMS FOR CONSTRUCTION, JUNE 12; EXCHANGING
16 PROPOSED CONSTRUCTIONS AND EXTRINSIC EVIDENCE JULY 6TH, THAT'S
17 FINE; SERVE DAMAGES CONTENTIONS JULY 18; FILE YOUR JOINT CLAIM
18 CONSTRUCTION PRE-HEARING STATEMENT JULY 30TH; FILE RESPONSIVE
19 DAMAGES CONTENTIONS AUGUST 17; COMPLETE CLAIM CONSTRUCTION
20 DISCOVERY AUGUST 29.

21 THEN THE FURTHER CMC -- NOW THAT I KNOW THAT AUGUST 23RD
22 DATE IS GOING TO BE VACATED, WOULD IT MAKE SENSE TO DO IT
23 SOONER IN LIGHT OF THIS AMENDED COMPLAINT? WHEN DO YOU WANT TO
24 COME IN? MAY THEN?

25 MS. KEEFE: I THINK SO, YOUR HONOR.

1 THE COURT: ALL RIGHT.

2 LET ME ASK MS. MASON, I THINK OUR MAY DATES ARE PRETTY
3 CONGESTED, BUT HOPEFULLY WE CAN FIT ONE MORE IN.

4 THE CLERK: YOUR HONOR, HOW ABOUT MAY 23RD?

5 THE COURT: DOES THAT WORK?

6 MS. KEEFE: YES, YOUR HONOR.

7 THE COURT: OKAY. SO MAY 23RD, 2018.

8 MR. FENSTER: THAT'S FINE, YOUR HONOR.

9 THE COURT: THAT'LL BE AT 2:00 P.M., PLEASE.

10 ALL RIGHT. YOU WANTED YOUR OPENING BRIEFS DUE
11 SEPTEMBER 13TH, RESPONSIVE BRIEFS DUE SEPTEMBER 27TH, AND YOUR
12 REPLY BRIEFS DUE ON OCTOBER 4TH ON CLAIM CONSTRUCTION. THE
13 CLAIM CONSTRUCTION HEARING WILL BE OCTOBER 18 AT 1:30.

14 MR. FENSTER: I'M SORRY, OCTOBER 18 AT?

15 THE COURT: 1:30, PLEASE.

16 MR. FENSTER: THANK YOU, YOUR HONOR.

17 THE COURT: ALL RIGHT. CLOSE OF FACT DISCOVERY
18 FEBRUARY 8 IS FINE; EXPERT REPORTS MARCH 8 IS FINE; REBUTTAL
19 REPORTS APRIL 5 IS FINE; CLOSE OF EXPERT DISCOVERY APRIL 26TH
20 IS FINE.

21 NOW, YOU WANTED A HEARING ON DISPOSITIVE MOTIONS IN JULY.

22 LET ME ASK MS. MASON, HOW DO OUR JULY DATES LOOK?

23 THE CLERK: YOUR HONOR, HOW ABOUT JULY 11TH? WE HAVE
24 ONE FINAL PRETRIAL CONFERENCE IN DOUGLAS VERSUS DHI GROUP.

25 THE COURT: OKAY. SO WE COULD DO YOUR HEARING

1 JULY 11TH, 2019, AT 1:30.

2 WHY DON'T WE KEEP YOUR BRIEFING? YOU WANT DISPOSITIVE
3 MOTIONS FILED ON MAY 24TH, YOU WANT RESPONSES FILED JUNE 7TH,
4 AND YOU WANT REPLIES DUE JULY 14, THAT'S FINE.

5 AND THEN THE PRETRIAL CONFERENCE WILL NEED TO BE 60 DAYS
6 AFTER THAT.

7 DO WE HAVE ANY DATES IN SEPTEMBER?

8 THE CLERK: YOUR HONOR, HOW ABOUT SEPTEMBER THE 12TH?
9 THERE ARE NO MATTERS PRESENTLY SET.

10 MS. KEEFE: YOUR HONOR, I HAVE A FIVE DAY TRIAL
11 THAT'S ACTUALLY SET TO START ON THE 10TH OF THAT WEEK. IF WE
12 COULD DO THE NEXT WEEK?

13 THE COURT: OKAY.

14 MS. KEEFE: I DON'T KNOW IF THAT'S AVAILABLE. I
15 APOLOGIZE.

16 THE CLERK: THE 19TH, YOUR HONOR, WE JUST HAVE ONE
17 HEARING ON DISPOSITIVE MOTIONS IN DANG VERSUS SAMSUNG
18 ELECTRONICS.

19 THE COURT: ON DISPOSITIVES?

20 THE CLERK: YES, YOUR HONOR.

21 THE COURT: OKAY. THAT'S NOT A GREAT DAY, BUT I
22 COULD DO IT. SEPTEMBER 19 AT 1:30.

23 AND THEN A FIVE DAY JURY TRIAL -- DO WE HAVE ANYTHING IN
24 OCTOBER 2019?

25 THE CLERK: WE DO, YOUR HONOR. WE COULD START IT

1 LOOKS LIKE --

2 THE COURT: OR IS SEPTEMBER ANY BETTER? I JUST CAN'T
3 REMEMBER WHAT OUR FALL LOOKS LIKE.

4 THE CLERK: SEPTEMBER, YOU HAVE THE YAHOO DATA BREACH
5 SECURITY LITIGATION TRIAL AT THE END OF SEPTEMBER AND BEGINNING
6 OF OCTOBER.

7 THE COURT: YEAH, BUT I'M OKAY WITH DOUBLE SETTING ON
8 THAT ONE.

9 THE CLERK: OKAY. I BELIEVE THAT ONE BEGINS
10 SEPTEMBER 23RD, YOUR HONOR. IT'S A TEN DAY ESTIMATE THROUGH --

11 THE COURT: WELL, THAT'S AWFULLY TIGHT WITH THE PTC
12 ON THE 19TH, SO MAYBE OCTOBER WOULD BE BETTER. I'M SORRY.

13 THE CLERK: WE COULD DO OCTOBER THE 7TH.

14 THE COURT: THE 7TH?

15 THE CLERK: YES, YOUR HONOR.

16 MR. FENSTER: YOUR HONOR, MAY I ADD THE CAVEAT THAT
17 WHILE I BELIEVE THAT A FIVE DAY TRIAL WOULD BE APPROPRIATE WITH
18 THE CURRENT SCOPE OF THE CASE, DEPENDING ON HOW THINGS GET
19 RELATED AND CONSOLIDATED, IT MAY BE FIVE -- OUR ESTIMATE MAY
20 CHANGE TO FIVE TO SIX.

21 THE COURT: OKAY. AND WE CAN FINE TUNE THIS LATER.
22 I AM GOING TO IMPOSE TIGHT LIMITS, THOUGH, AND THAT'S SOMETHING
23 WE COULD DO AT THE NEXT CMC, THIS SORT OF FUNNELING .

24 I'LL WANT NARROWING -- YOU KNOW, AND I WOULD LIKE TO HEAR
25 YOUR PROPOSALS AT THE NEXT CMC OF -- I'D LIKE, YOU KNOW, JUST

1 CONSTANT NARROWING. YOU'LL BE LIMITED TO TEN TERMS FOR CLAIM
2 CONSTRUCTION, BUT I'D LIKE, YOU KNOW, CLAIMS, ACCUSED PRODUCTS,
3 PRIOR ART, EVERYTHING SORT OF TO BE NARROWED BEFORE CLOSE OF
4 FACT DISCOVERY, BEFORE EXPERT DISCOVERY, BEFORE DISPOSITIVE
5 MOTIONS, BEFORE THE PRETRIAL CONFERENCE, EVEN AFTER THE
6 PRETRIAL CONFERENCE IF NECESSARY.

7 SO THE TRIAL IS GOING TO BE REALLY LIMITED AND SO, I MEAN,
8 A ONE DAY EXPANSION DOESN'T BOTHER ME. BUT EVEN IF YOU HAVE 20
9 PATENTS, I'M PROBABLY ONLY GOING TO LET YOU GO ON, LIKE, FOUR
10 CLAIMS.

11 MR. FENSTER: UM-HUM.

12 THE COURT: OKAY? AND, YOU KNOW, I DON'T KNOW, FIVE
13 PRODUCTS, TWO PRODUCTS. I MEAN, I -- IT'S JUST GOING TO BE
14 VERY LIMITED.

15 SO EVEN IF THE SCOPE OF THE CASE CHANGES, I DON'T SEE THE
16 SCOPE OF TRIAL INCREASING OR DRAMATICALLY BROADENING.

17 MR. FENSTER: UNDERSTOOD.

18 THE COURT: SO LET'S KEEP IT ON FIVE DAYS.

19 NOW, YOU SAID THE 7TH WORKS FOR US. NOW, I THINK THE 14TH
20 IS A HOLIDAY. SO THAT WOULD BE, WHAT, 7, 8, 11, 15, 18. DOES
21 THAT SOUND RIGHT?

22 THE CLERK: YES, YOUR HONOR.

23 THE COURT: OKAY. THAT'S 2019.

24 DOES THAT WORK FOR YOU ALL?

25 MS. KEEFE: YES, YOUR HONOR.

1 MR. FENSTER: IT DOES FOR US, YOUR HONOR.

2 THE COURT: OKAY. AND WE PICKED OUR CMC.

3 SO THAT'S ALL I HAD. DID YOU ALL HAVE ANYTHING ELSE?

4 MS. KEEFE: NO, YOUR HONOR. I THINK THE FURTHER CMC
5 WILL BE HELPFUL IN CASE WE NEED TO ADJUST ANY OF THIS, AND
6 WE'LL COME IN FULLY PREPARED TO TALK ABOUT THAT.

7 THE COURT: THAT'S FINE. AND ALSO, IF YOU WOULD,
8 PLEASE COME IN WITH YOUR PROPOSALS ON CASE NARROWING, JUST
9 BECAUSE IT SOUNDS LIKE THIS IS GOING TO BE A BIGGER CASE AND SO
10 IT'LL BE MORE IMPORTANT TO HAVE THE FUNNEL SO IT'S MORE
11 MANAGEABLE.

12 MR. FENSTER: WE WILL, YOUR HONOR.

13 THE COURT: OKAY. THANK YOU.

14 MS. KEEFE: YOUR HONOR, I DON'T -- JUST YOUR GUIDANCE
15 FOR LATER, WE ANTICIPATE FILING IPR'S, AND MY GUESS IS AS TO
16 EVERYTHING.

17 THE COURT: OKAY.

18 MS. KEEFE: AND WE WOULD BE SEEKING A STAY PENDING
19 THE RESOLUTION OF THOSE IPR'S.

20 DOES YOUR HONOR -- IS YOUR HONOR OKAY WITH US FILING RIGHT
21 AWAY AS SOON AS THE IPR'S ARE FILED, OR DO YOU NEED US TO WAIT
22 UNTIL THE INSTITUTION DECISIONS? I JUST -- I'D LIKE YOUR
23 HONOR'S GUIDANCE SO THAT WE'RE NOT CLOGGING THE COURT.

24 THE COURT: SURE.

25 MS. KEEFE: THAT'S ALSO A NARROWING, SO THAT'S A GOOD

1 THING.

2 THE COURT: WELL, MY INCLINATION IS IF IPR IS
3 INSTITUTED, THEN I WOULD GRANT A STAY.

4 MS. KEEFE: YES, YOUR HONOR.

5 THE COURT: BUT I GENERALLY DON'T STAY JUST BECAUSE A
6 PETITION HAS BEEN FILED. SO IT PROBABLY -- ALTHOUGH -- I MEAN,
7 IT ALSO KIND OF DEPENDS ON SORT OF WHERE WE ARE IN THE CASE. I
8 MEAN, IF YOU FILE, WHAT, HOPEFULLY IN THE NEXT COUPLE OF
9 MONTHS.

10 MS. KEEFE: THAT'S OUR HOPE, YOUR HONOR, YES.

11 THE COURT: THEN YOU'LL GET A DECISION IN SIX MONTHS;
12 IS THAT RIGHT?

13 MS. KEEFE: YES, YOUR HONOR, THAT'S CORRECT.

14 THE COURT: WOW. WE MAY STILL HAVE TO DO THE CLAIM
15 CONSTRUCTION THOUGH.

16 MS. KEEFE: WHICH IS WHY I RAISE IT WITH YOUR HONOR,
17 BECAUSE IT MAY BE THAT -- IF WE DO GET THEM ON FILE, I CAN COME
18 TO YOUR HONOR RIGHT AWAY AND THEN MAYBE WE CAN USE THAT AS AN
19 ADJUSTMENT TO THE SCHEDULE, EVEN IF IT'S TO PUSH THINGS BY A
20 FEW MONTHS, OUR CONTINUANCE COME A STAY.

21 I JUST WANTED TO RAISE IT WITH YOUR HONOR SO THAT YOU KNEW
22 IT WAS COMING.

23 THE COURT: YEAH.

24 MS. KEEFE: AND WE ARE ACTIVELY WORKING ON THOSE
25 RIGHT NOW, YOUR HONOR.

1 THE COURT: OKAY.

2 MR. FENSTER: SO, YOUR HONOR, FROM OUR PERSPECTIVE,
3 WE'D STRONGLY OPPOSE A STAY PRE-INSTITUTION.

4 THE COURT: UM-HUM.

5 MR. FENSTER: AND EVEN, YOU KNOW, IF WE CAN GET A
6 COMMITMENT TO FILE IN THE COMING MONTHS, IT WOULD BE HELPFUL.

7 BUT I WILL ALSO SAY THAT CLAIM CONSTRUCTION, YOUR HONOR --
8 AND I KNOW YOU HAVEN'T LOOKED AT THE CLAIMS YET -- I DON'T
9 EXPECT CLAIM CONSTRUCTION TO BE PARTICULARLY INTENSIVE. THESE
10 TERMS ARE RELATIVELY STRAIGHTFORWARD. THESE ARE PRETTY
11 OBJECTIVE OPTICS TYPE TERMS.

12 AND I EXPECT THAT THROUGH OUR MEET AND CONFER, WE WILL NOT
13 HAVE -- I DON'T EXPECT THIS TO BE A VERY INTENSIVE CLAIM
14 CONSTRUCTION CASE.

15 THE COURT: I DON'T THINK I'VE EVER HAD A MELLOW
16 CLAIM CONSTRUCTION, THOUGH.

17 MS. KEEFE: AND OBVIOUSLY, YOUR HONOR, IF THEY FILE
18 PATENT OWNER PRELIMINARY RESPONSES, THOSE WILL INFORM THE CLAIM
19 CONSTRUCTION AS WELL BECAUSE THAT'S SOMETHING THE PLAINTIFF'S
20 GOING TO BE SAYING ABOUT THE SCOPE OF THE CLAIMS.

21 THAT'S THE REASON I RAISE THIS, BECAUSE THEY'RE GOING TO
22 BE DOVETAILING RIGHT ON TOP, AND IF THE COURT WERE TO GO
23 FORWARD WITH CLAIM CONSTRUCTION, EITHER BEFORE OR DURING THE
24 TIME PERIOD OF THE PATENT OWNER PRELIMINARY RESPONSES, THAT
25 COULD ALSO AFFECT THE COURT BECAUSE YOU'D HAVE TO COME BACK AND

1 DO IT AGAIN TO TAKE INTO ACCOUNT THINGS THAT WERE SAID BY THE
2 PATENT OWNER.

3 MR. FENSTER: YOUR HONOR --

4 MS. KEEFE: BUT WE CAN ADDRESS ALL THIS, YOUR HONOR,
5 AT THE FURTHER CMC BECAUSE I'LL HAVE A MUCH STRONGER EYE
6 TOWARDS WHEN THEY WOULD BE FILED AND HOW THAT WOULD AFFECT THE
7 SCHEDULE AND I CAN HELP YOUR HONOR WITH THAT AS WELL.

8 THE COURT: YEAH, OKAY.

9 MR. FENSTER: THE --

10 THE COURT: SO I WOULD NOT STAY THE CASE, BUT I WOULD
11 BE OPEN TO PERHAPS MAYBE BUILDING A LITTLE MORE TIME FOR THE
12 CLAIM CONSTRUCTION HEARING TO SEE IF IPR IS GRANTED.

13 MS. KEEFE: THANK YOU, YOUR HONOR.

14 MR. FENSTER: THAT WOULD BE FINE.

15 I WILL JUST NOTE FOR THE RECORD THAT -- OR FOR YOUR HONOR
16 THAT THE PATENTS IN THIS CASE HAVE NOT EXPIRED. THEY WERE
17 FILED IN 2012, 2013, ROUGHLY, PRIORITY DATES. SO THE BROADEST
18 REASONABLE INTERPRETATION, BRI, STANDARD WILL BE USED AT THE
19 PTAB AS OPPOSED TO THE DISTRICT COURT STANDARD.

20 THE COURT: OKAY. I STILL MAY WANT TO DELAY THE
21 CLAIM CONSTRUCTION HEARING UNTIL AFTER WE FIND OUT FROM THE
22 PTAB WHETHER IPR IS GOING TO BE INSTITUTED.

23 WHEN IS OIL STATES GOING TO BE DECIDED ANYWAY? THIS COULD
24 ALL BE --

25 MS. KEEFE: YOUR HONOR, EVERY DAY SOMEBODY SAYS, "WHY

1 HASN'T IT BEEN DECIDED YET?" SO WE DON'T KNOW.

2 THE COURT: OKAY. BECAUSE THAT CAN AFFECT OUR
3 DISCUSSION AS WELL.

4 MS. KEEFE: ABSOLUTELY, YOUR HONOR.

5 THE COURT: OKAY. ALL RIGHT. WELL, I'LL SEE YOU IN
6 MAY AND HOPEFULLY YOU'LL HAVE THEN MORE IDEA ABOUT TIMING AND
7 ANY ADJUSTMENTS WE NEED TO MAKE.

8 MS. KEEFE: WE APPRECIATE IT, YOUR HONOR. THANK YOU.

9 THE COURT: OKAY. THANK YOU.

10 MR. FENSTER: THANK YOU, YOUR HONOR.

11 (THE PROCEEDINGS WERE CONCLUDED AT 3:16 P.M.)

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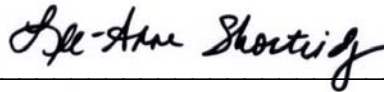
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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: APRIL 18, 2018